



1999 SENATE BILL 430

March 1, 2000 - Introduced by Senators RUDE and HUELSMAN, cosponsored by Representatives F. LASEE, PETTIS, ALBERS, OWENS, BRANDEMUEHL and GRONEMUS. Referred to Agriculture, Environmental Resources and Campaign Finance Reform.

1 **AN ACT to amend** 30.01 (1p), 30.01 (1r), 30.121 (title), (2) and (3), 30.121 (3m)
2 (intro.), (a) and (b) and 30.121 (4) to (7); and **to create** 30.1215 of the statutes;
3 **relating to:** fixed houseboats on navigable waterways, granting rule-making
4 authority and providing a penalty.

Analysis by the Legislative Reference Bureau

Current law regulates the repair, maintenance and reconstruction of boathouses and fixed houseboats. No person may construct or place a boathouse or fixed houseboat beyond the ordinary high-water mark of a navigable waterway unless the boathouse or fixed houseboat was constructed or placed on the waterway before December 17, 1979. Such boathouses and fixed houseboats may be repaired and maintained if the cost of repair or maintenance does not exceed 50% of the equalized assessed value or, if not subject to assessment, the current fair market value of the applicable boathouse or fixed houseboat.

This bill makes several changes in the laws relating to fixed houseboats. These changes include:

1. Eliminating the 50% cap on the cost of repair or maintenance of a fixed houseboat. The bill permits an owner of a fixed houseboat extending below the ordinary high-water mark of a navigable waterway to repair, maintain or reconstruct the houseboat.

2. Restricting reconstruction of a fixed houseboat to within the dimensions of the houseboat existing on the effective date of the bill.

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3. Prohibiting any convictions or findings of public nuisance with respect to the laws relating to fixed houseboats in effect before the effective date of this bill.

4. Changing certain terminology.

The bill also changes certain terminology in the laws relating to boathouses.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 30.01 (1p) of the statutes is amended to read:

2 30.01 (1p) “Fishing raft” means any raft, float or structure, including a raft or
3 float with a superstructure and including a structure located or extending below or
4 beyond the ordinary high-water mark of a water, which is designed to be used or is
5 normally used for fishing, which is not normally used as a means of transportation
6 on water and which is normally retained in place by means of a permanent or
7 semipermanent attachment to the shore or to the bed of the waterway. “Fishing raft”
8 does not include a boathouse or fixed houseboat regulated under s. 30.121 nor, a fixed
9 houseboat regulated under s. 30.1215, or a wharf or pier regulated under s. 30.13.

10 **SECTION 2.** 30.01 (1r) of the statutes is amended to read:

11 30.01 (1r) “Fixed houseboat” means a structure not actually used for
12 navigation ~~which extends beyond the ordinary high-water mark of that is~~
13 constructed or placed on a navigable waterway and is retained in place either by
14 cables to the ~~shoreline~~ shore or by anchors or spudpoles attached to the bed of the
15 waterway.

16 **SECTION 3.** 30.121 (title), (2) and (3) of the statutes are amended to read:

17 **30.121 (title) Regulation of boathouses and houseboats.**

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1 (2) ~~PROHIBITIONS~~ PROHIBITION. After December 16, 1979, no boathouse ~~or fixed~~
2 houseboat may be constructed or placed ~~beyond~~ below the ordinary high-water mark
3 of any navigable waterway.

4 (3) MAINTENANCE. The riparian owner of any boathouse ~~or fixed houseboat~~
5 extending ~~beyond~~ below the ordinary high-water mark of any navigable waterway
6 may repair and maintain the boathouse ~~or fixed houseboat~~ if the cost of the repair
7 or maintenance does not exceed 50% of the equalized assessed value of the boathouse
8 ~~or fixed houseboat~~. If the boathouse ~~or fixed houseboat~~ is not subject to assessment,
9 the owner may make repairs if the cost of the repair or maintenance does not exceed
10 50% of the current fair market value of the boathouse ~~or fixed houseboat~~.

11 **SECTION 4.** 30.121 (3m) (intro.), (a) and (b) of the statutes are amended to read:

12 30.121 **(3m)** EXCEPTION; CERTAIN SINGLE-STORY BOATHOUSES. (intro.)

13 Notwithstanding subs. (2) and (3), a person may construct, repair or maintain a
14 single-story boathouse over an authorized waterway enlargement if all of the
15 following apply:

16 (a) The boathouse does not extend ~~beyond~~ below the ordinary high-water mark
17 as it existed prior to the creation of the enlargement;_

18 (b) The boathouse covers the entire enlargement; and_

19 **SECTION 5.** 30.121 (4) to (7) of the statutes are amended to read:

20 30.121 **(4)** MAJOR REPAIR, ABANDONED STRUCTURES BOATHOUSES AND OBSTRUCTIONS
21 TO NAVIGATION. The owner of a boathouse ~~or a fixed houseboat~~ which extends ~~beyond~~
22 below the ordinary high-water mark of any navigable waterway and which is in a
23 major state of disrepair or is a material obstruction to navigation may be ordered by
24 the department to remove the structure boathouse from the waterway. The
25 department shall follow the procedures set forth in s. 30.03 (4) (a) for ordering

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1 removal of a ~~structure~~ boathouse. If such a ~~structure~~ boathouse is abandoned and
2 the department, after due diligence, cannot locate the owner, the department shall
3 utilize the procedures set forth in s. 31.187 (1) for removing the abandoned ~~structure~~
4 boathouse.

5 (5) APPLICABILITY. ~~Boathouses or fixed houseboats~~ owned by the state or by local
6 units of government shall comply with this section. This section does not apply to
7 any ~~structure~~ boathouse listed on the national register of historic places in Wisconsin
8 or the state register of historic places. No person may be convicted of a violation of
9 s. 30.121, 1997 stats., or otherwise subject to s. 30.294 after the effective date of this
10 subsection ... [revisor inserts date], with respect to the repair, maintenance or
11 reconstruction of a fixed houseboat.

12 (6) RULES. ~~The Rules promulgated by the department may promulgate rules~~
13 ~~deemed necessary to carry out the purposes of~~ under this section. ~~The rules may not~~
14 govern the aesthetic features or color of boathouses.

15 (7) PENALTIES. Any person who constructs, owns or maintains a boathouse ~~or~~
16 ~~fixed houseboat~~ in violation of this section or in violation of any order issued under
17 this section shall forfeit not less than \$10 nor more than \$50 for each offense. Each
18 day a ~~structure~~ boathouse exists in violation of this section constitutes a separate
19 offense.

20 **SECTION 6.** 30.1215 of the statutes is created to read:

21 **30.1215 Regulation of fixed houseboats.** (1) PROHIBITION. No fixed
22 houseboat may be constructed or placed below the ordinary high-water mark of any
23 navigable waterway unless the fixed houseboat was so constructed or placed before
24 December 17, 1979.

